IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1184 OF 2006

Nijamuddin Mohammed Bashir
Khan and Salamabegum Nijamuddin
Khan .. applicants

Versus

The State of Maharashtra .. respondent

Mr.D.S.Manerkar for applicants
Ms.M.M.Deshmukh, A.P.P. for state.

CORAM : S.C.DHARMADHIKARI, J.
DATE : 16th August 2006

P.C.

. Heard Mr.Manerkar for applicant and Ms.Deshmukh, learned A.P.P. for State. Perused

the order of this Court (V.M.Kanade, J), referring the question, as to when the offence alleged is punishable with imprisonment of 10 years or less, whether it is covered by section 167(a)(i) of Cr.P.C. and the order of the Division Bench recording its opinion on the said reference.

2. In the light of the clear statement of law, that the offence is punishable with imprisonment of 10 years or less would be clearly covered by this provision and ordering that the main bail application be heard by the single Judge who shall pass appropriate orders thereon in accordance with the law, I am of the view that the applicants are entitled to the benefit of the aforesaid provision of Cr.P.C.. More so, when it is not disputed that the charge sheet was not filed within requisite period. Once this view is recorded, it is not necessary to go into the merits of application and make any observations

in that behalf. Hence following order:-

i) The applicants arrested in connection with C.R.No. 14 of 2006 registered with Sahar Airport Police Station Andheri (East), shall be enlarged on bail subject to furnishing a personal bond of Rs.15,000/- each with one or two local sureties in the like amount.

ii) The bail is granted subject to condition that the applicants shall remain present before the concerned investigating officer on every Saturday between 11.00 a.m. and 1.00 p.m. till conclusion of the trial.

iii) The order of bail will be given effect only after the applicants furnish to the investigating officer the details

about their place of residence and address where they propose to stay after they are enlarged on bail. The applicants will not change their residential address thereafter till the conclusion of trial without prior intimation to the Investigating officer.

iv) The bail is granted subject to condition that the applicants shall not directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

v) The applicants shall cooperate with the learned Trial Judge for expeditious disposal of the case. Any attempt by the applicants to delay the trial may be a ground for cancellation of bail.

vi) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

vii) Application is disposed of in above terms.

viii) Parties to act on an authenticated copy of this order.

(S.C.DHARMADHIKARI, J)